

# SB2124



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2124

Introduced 2/14/2008, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-106

from Ch. 110, par. 9-106

Amends the Code of Civil Procedure. Provides that no forcible entry action may be filed against an occupant of a single family residence or apartment before January 1, 2010 if the tenant makes timely current rent payments. Provides that nothing in this provision prohibits filing a complaint for past due rent. Effective immediately.

LRB095 19293 AJO 45584 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 9-106 as follows:

6 (735 ILCS 5/9-106) (from Ch. 110, par. 9-106)  
7 Sec. 9-106. Pleadings and evidence.

8 (a) On complaint by the party or parties entitled to the  
9 possession of such premises being filed in the circuit court  
10 for the county where such premises are situated, stating that  
11 such party is entitled to the possession of such premises  
12 (describing the same with reasonable certainty), and that the  
13 defendant (naming the defendant) unlawfully withholds the  
14 possession thereof from him, her or them, the clerk of the  
15 court shall issue a summons.

16 (b) The defendant may under a general denial of the  
17 allegations of the complaint offer in evidence any matter in  
18 defense of the action. Except as otherwise provided in Section  
19 9-120, no matters not germane to the distinctive purpose of the  
20 proceeding shall be introduced by joinder, counterclaim or  
21 otherwise. However, a claim for rent may be joined in the  
22 complaint, and judgment may be entered for the amount of rent  
23 found due.

1       (c) No complaint shall be filed under this Article against  
2       the occupant of a single family residence or apartment before  
3       January 1, 2010, if the party against whom the complaint would  
4       be filed is making timely payment of current rent obligations.  
5       However, this subsection (c) does not bar the filing of a  
6       complaint for past due rent.

7       (Source: P.A. 90-360, eff. 1-1-98.)

8       Section 99. Effective date. This Act takes effect upon  
9       becoming law.